



## MINUTES

**REGULAR CALLED MEETING OF THE  
COMMUNITY DEVELOPMENT (Type B) CORPORATION  
Tuesday, February 9, 2016 at 6:30 PM  
Cedar Park City Hall Council Chambers  
450 Cypress Creek Road, Building Four, Cedar Park, Texas 78613**

### BOARD OF DIRECTORS

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Kaden Norton, Place 1<br><input checked="" type="checkbox"/> Brian Rice, Place 5<br><input checked="" type="checkbox"/> Dustin Weibel, Place 3 (Sect.) | <input checked="" type="checkbox"/> David Burger, Place 2, President<br><input checked="" type="checkbox"/> Bob Lemon, Place 4 (V. P.)<br><input checked="" type="checkbox"/> Ryan Wood, Place 6<br><input checked="" type="checkbox"/> Mel Kirkland, Place 7 |
|--|---|

### Minutes

- A.1 **CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**  
The meeting was declared open at 6:30 PM by President Burger noting that a quorum was present.
- A.2 **Citizen Communications**  
*(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With 4B. The Board May Respond With Factual Information.)*  
**None were received.**
- A.3 **Board Members' Opening Comments.**  
**President Burger said the when Community Impact recently interviewed the Mayor about top things that have happened in the City in the last year or so, three of the four projects he mentioned were ones that came before the Community Development Board.**  
  
**Director Rice and Director Wood arrived at 6:33 PM.**
- A.4 **Presentations**  
**No items scheduled.**

### STAFF REPORTS (DISCUSSION ONLY)

- B.1 **Staff Update On Status Of The Bell Boulevard Redevelopment Plan. (Katherine Caffrey, Assistant City Manager)**  
**Director Rice was recused. (Affidavit attached)**

Katherine Woerner, Assistant City Manager, provided the Board with an update on the Bell Boulevard Redevelopment Plan. She reminded the Board that in November transportation Bond funding was approved by voters and that \$20M of that transportation funding has been set aside for this Bell Blvd redevelopment project. She also told the Board that Council has approved not only the Bell Master Plan, but have also approved a new Roadway Master Plan, which relocates Bell Boulevard and outlines the internal network of streets that are planned to be included in the Bell redevelopment project.

She explained that there several approaches to implementation for a project of this nature. One approach is to rely on market forces for the development of the area, another is a public-private partnership, and the third is where the City acts as the developer. Relying on market forces for development, requires the least involvement from the City and would be the lowest cost and least amount of risk for the City. It however allows the City the least amount of control and has a much longer timeline for development. The second option, a public-private partnership, would result in a sharing of risk and sharing of return between the City and a private developer. The City would develop the infrastructure and be a major driver in the process. The last option would be the City acting as a developer. This option has the city assume a higher risk, however it has the greatest potential for long-term reward and would result in the fastest development of the area. City Council indicated an interest in a hybrid between a public-private partnership and the City acting as a Developer.

Ms. Caffrey explained that phase one of this project will include the realignment of Bell Blvd, work on the existing Bell Blvd to make it more suitable for an internal road, and the development of the park. Staff have identified the action items for phase one which include: land, engineering and design, TxDOT coordination, right of way acquisition, a partner search, funding identification and legal, and finally zoning and design standards.

Staff continues to be available to property owners and have conducted extensive outreach to property owners to get their feedback on the project and engage them.

Staff said they anticipate coming back to the Board with a proposed project for funding consideration in the coming months.

Director Norton asked about feedback the City has been receiving from the property owners. Ms. Caffrey said that the feedback has been mixed. She said some property owners are very excited about the project and very interested in being involved. Others have been more reserved and some others have been difficult to reach and she is continuing to try to get in touch with them. She also said that some tenants have been concerned about the project as they do not know exactly what this project may mean for them in the future.

- B.2 Staff Report On A Request To Provide Matching Funds For A Texas Parks And Wildlife Recreational Trails Parks Grant In The Amount Of \$48,865. (Shawn Cooper, Assistant Parks Director)  
 Shawn Cooper, Assistant Director of Parks and Recreation, provided the Board with an overview of the proposed project. This proposed project would make improvements to the Town Center Trail replacing the currently eroding crushed granite trail sections with a 6-10 foot wide concrete trail. It would also construct a new trail section which would link the trail with a residential area in the Town Center neighborhood, providing easier trail access for many residents.



This project is expected to cost \$244,322, however the City has submitted a grant application for this project to the Texas Parks and Wildlife Recreation Trails Grant Program. If selected for funding, the grantor would provide 80% of the project funding, with the City's remaining match portion totaling \$48,865. At this time staff requested no action from the Board, but requested feedback from the Board on whether they would likely be interested in providing the match if the grant project is selected for funding. The Board indicated that they would likely be interested in funding the match portion of the funding if the grant is awarded. Staff indicated that they would return with future updates on the status of our grant application and, if awarded, will return with the project for formal Board action.

### **CONSENT AGENDA**

*(Pursuant To Community Development Board Rule, the Consent Agenda consists of all items set forth on Agenda Items C.1, C.2, C.3, C.4 and C.5. The Consent Agenda May Be Approved By A Single Motion.)*

- C.1 Acceptance Of The Monthly Report On 2015-2016 Revenues, Expenditures, And Fund Balance.
  - C.2 Approval Of The Minutes Of The January 12, 2016 Regular Called Meeting.
  - C.3 Approval Of A Resolution Recommending The Assignment Of The Economic Development Performance Agreement Between The Cedar Park Community Development Corporation And LiveOps, Inc. To LiveOps Cloud Platform, L.L.C.
  - C.4 Authorization To Excuse Of The Absence Of Kaden Norton From The Community Development Board Meeting Of January 12, 2016.
  - C.5 Authorization To Excuse Of The Absence Of Dustin Weibel From The Community Development Board Meeting Of January 12, 2016.
- Director Lemon moved to approve the consent agenda as presented. Director Kirkland seconded the motion and it passed with a 7-0 vote.**

### **PUBLIC HEARINGS**

- D.1 Public Hearing On A Transportation Improvement Project To Design And Construct A Dedicated Right Turn Lane At Brushy Creek & Vista Ridge In The Amount Of \$250,000.
- D.2 Public Hearing On A Transportation Improvement Project To Design And Construct A Dedicated Right Turn Lane At Brushy Creek & Lynnwood In The Amount Of \$250,000.
- D.3 Public Hearing On A Transportation Improvement Project To Design And Construct A Dedicated Right Turn Lane At Lakeline & Old Mill In The Amount Of \$250,000.
- D.4 Public Hearing On Transportation Improvement Project To Design And Construct A Median Break And Turn Lanes At Discovery Boulevard South Of Whitestone Boulevard (RM 1431) In The Amount Of \$200,000.
- D.5 Public Hearing On A Proposed Project For The Design And Construction Of The Sidewalk Gap Closure Phase 4 Project In The Amount Of \$350,000.

The President Opened the Public Hearings and called up Items D.1 through D.5.

Darwin Marchell reminded the board of what these proposed projects entail. The first proposed project was the installation of a right turn lane westbound on Brushy Creek Road to northbound Vista Ridge Boulevard and has an estimated cost of \$250,000. The second project was the installation of a right turn lane westbound on Brushy Creek Road to Northbound Lynnwood Trail and has an estimated cost of \$250,000. The third project was a right turn lane southbound on Lakeline Boulevard at Old Mill Road and has an estimated cost of \$250,000. The fourth project was a new left turn lane and median Break on Discovery Boulevard south of Whitestone Boulevard with an estimated cost of \$200,000. Staff reminded the Board that they accepted staff scoring for the combined matrix thus awarding these four projects a score of 75 points at the last meeting.

The fifth proposed project is a continuation of the earlier sidewalk gap projects and if accepted by the Board, would provide \$350,000 to continue to fill in areas of the City where sidewalk gaps are present. Some possible areas that they anticipate to target with this funding include: Bell Boulevard between Whitestone and Walton Way, Hatch Road south of RR620, Cottonwood Creek Trail at Medical Parkway, and Iris Lane north of Heather Lane. Portions of the funding are also anticipated to be used for the construction of several pedestrian ramps. Staff reminded the Board that they accepted the proposed staff scoring and awarded the project a total of 56 points on the Transportation Project Matrix at the last meeting.

No public comments were received.

#### **REGULAR AGENDA** **DISCUSSION AND POSSIBLE ACTION**

- E.1 Consider Approval Of A Resolution To Provide A Dedicated Right Turn Lane At Brushy Creek & Vista Ridge In The Amount Of \$250,000.  
**Director Wood moved to authorize the President to execute the Resolution recommending the design and construction of a dedicated right turn lane at Brushy Creek and Vista Ridge as a project to City Council for approval in an amount not to exceed \$250,000. Director Lemon seconded the motion and it passed with a 7-0 vote.**
  
- E.2 Consider Approval Of A Resolution To Provide A Dedicated Right Turn Lane At Brushy Creek & Lynnwood In The Amount Of \$250,000.  
**Director Wood moved to authorize the President to execute the Resolution recommending the design and construction of a dedicated right turn lane at Brushy Creek and Lynnwood as a project to City Council for approval in an amount not to exceed \$250,000. Director Kirkland seconded the motion and it passed with a 7-0 vote.**
  
- E.3 Consider Approval Of A Resolution To Provide Right Turn Lanes At Lakeline & Old Mill In The Amount Of \$250,000.  
**Director Wood moved to authorize the President to execute the Resolution recommending the design and construction of a dedicated right turn lane at Lakeline and Old Mill as a project to City Council for approval in an amount not to exceed \$250,000. Director Weibel seconded the motion and it passed with a 7-0 vote.**



- E.4 Consider Approval Of A Resolution To Provide For Construction Of A Median Break And Turn Lanes At Discovery Boulevard South Of Whitestone Boulevard (RM 1431) In The Amount Of \$200,000.  
**Director Kirkland moved to authorize the President to execute the Resolution recommending the design and construction of a median break and dedicated turn lanes at Discovery Boulevard south of Whitestone (RM 1431) as a project to City Council for approval in an amount not to exceed \$200,000. Director Lemon seconded the motion and it passed with a 7-0 vote.**
- E.5 Consider Approval Of A Resolution To Provide For The Design And Construction Of The Sidewalk Gap Closure Phase 4 Project In The Amount Of \$350,000.

**Director Weibel moved to authorize the President to execute the Resolution recommending the design and construction of the Sidewalk Gap Closure Phase 4 as a project to City Council for approval in an amount not to exceed \$350,000. Director Kirkland seconded the motion and it passed with a 7-0 vote.**

#### **F.0 EXECUTIVE SESSION**

*In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A.) (Open Meetings Law), "The Community Development (Type B) Corporation Board may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, V.T.C.A. in accordance with the authority contained in the following sections":*

- F.1 Section § 551.071 (2) Consultation With Attorney Regarding Matters In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflict With This Chapter:
- a. Legal Issues Concerning the Economic Development Agreement between the City Of Cedar Park and Fallbrook Technologies, Inc.

**The Board recessed into executive session at 7:26 PM.**

*The Community Development Corporation (Type B) Board reconvenes into Open Session.*

#### **Open Meeting**

*Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.*

**The Board reconvened into an open meeting at 7:44 PM. No action was taken on items discussed during executive session.**

#### **ADMINISTRATIVE ITEMS**

*(Board members and staff may discuss items related to the board member's general duties and responsibilities. The Board may not take a vote or other action on any item other than to obtain a consensus regarding how items are to be placed on future agendas for formal action.)*

- G.1 Report on Council Actions Directly Related to Board Items Of January 28, 2016, City Council Meeting.  
**Staff indicated that City Council approved the Board's one item on the last City Council Agenda.**
- G.2 Board Member Closing Comments.  
**Director Lemon requested an agenda item related to projects the Board could fund that would improve neighborhoods with fences that are in disrepair.**

Director Wood requested an update on the pedestrian bridge project.

Director Burger reiterated his opening comments, stating that he was pleased to hear that three of the four projects the Mayor mentioned in a recent interview were projects that came before the Board.

Next Regular Scheduled Board Meeting Tuesday, March 8, 2016 At 6:30 P.M. In The Cedar Park Council Chambers At 450 Cypress Creek Road, Building Four.

**H.1 ADJOURNMENT**

**The meeting was adjourned at 7:50 PM.**



David Burger, President

ATTEST:



Dustin Weibel, Secretary

**AFFIDAVIT OF RECUSAL**

THE STATE OF TEXAS                   §  
COUNTY OF WILLIAMSON           §

I, **Brian D. Rice** as a member of the **Cedar Park Community Development (Type B) Corporation Board of Directors** make this affidavit and hereby on oath state the following:

I have, or a person related to me in the first degree by consanguinity or affinity has, a substantial interest that may receive a special economic effect that is distinguishable from the effect on the public by a vote or decision of the (city council/board/commission) as those terms are defined in Chapter 171 of the Local Government Code. The business entity or real property is:

\_\_\_\_\_  
[Name and Address of Business or Description of Property or Agenda Item(s) and Date]

\_\_\_\_\_  
[“I” or name of relative and relationship]

(have/has) a substantial interest in this business entity or real property for the following reasons (circle all which are applicable):

1. the interest is ownership of 10%, or more of the voting or shares of the business entity or owns either 10% or more or \$15,000 or more of the fair market value of the business entity;
2. funds received from the business entity exceed 10% of \_\_\_\_\_(my/her/his) gross income for the previous year;
3. real property is involved and \_\_\_\_\_(I/he/she) (have/has) an equitable or legal ownership with a fair market value of \$2,500 or more.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Elected or Appointed Public Official

\_\_\_\_\_  
Title

**BEFORE ME**, the undersigned authority, this day personally appeared \_\_\_\_\_  
(name of affiant) and by oath stated that he facts hereinabove state are true and correct to the best of (his/her) knowledge or belief. Sworn to and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

\*\*\*\*OR\*\*\*\*

**STATEMENT OF RECUSAL**

In accordance with Section 11.09(a) of the City Charter which requires recusal if an elected or appointed officer of the City acts in any way which places or tends to place personal interest in conflict with the interest of the City, I state that I have such conflict and I hereby recuse myself from any discussions or voting involving Agenda Item **B.1** on the Community Development (Type B) Corporation Agenda dated **February 09, 2016**.

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Signature of Elected or Appointed Public Official

2/9/2016  
Date

